

pg 1 of 4 In The United States District Court
For the Western District of Missouri
Southern Division

Jesse Leonard Massey)
)
)
) Case No. 6:17-cv-03098-BP
)
)
)
 Springfield Police Department, et al.)

Response to Defendants' Michael
Nelson and Tony Vierhage, Suggestions
in Opposition to Plaintiff's Motion
for Summary Judgment (Doc. 74)

I, Jesse Leonard Massey, enter this response to Defendant's Suggestion in Opposition. To begin, I entered no specific identification to which arguments or which supporting document was attached because I was unsure exactly how. Further support to my application of appointment of counsel. Defendants' attorney has used my lack of legal terminology and

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document presentation/entry to their advantage.

The documents themselves hold the material fact. In Defendant Micheal Nelson's general report it shows that he documented only himself and the supporting supervisor of his shift. While the Doc Defendants' responses/initial entry of evidence shows there are in fact three additional officers omitted.

How then am I to be able to evoke my 6th Amendment right to face my accusers when the reporting government official did not make it known who my other accusers were.

"Due process is flexible and calls for such procedural protections as the particular situation demands," Morrissey v. Brewer, 408 U.S. 471, 481. Resolution of the issue here involving the constitutional sufficiency of [governmental] procedures prior to the initial termination of [freedom], requires consideration of three factors:

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(1) the private interest that will be affected by the official[s] action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural safeguards; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail. (*Mathews v. Eldridge*, 424 U.S. 319 pg 332-335)

Defendant Tony Vierhages' approval of documented errors is a violation of my 5th and 14th Amendment Rights of Due Process. Due Process is said to begin with the initial involvement of an individual suspected of a crime. How then is it not a part of Procedural Due Process for documents to appropriately filed and the supervisors responsible for ensuring it is to validate errors?

Therefore it's clearly established in the material fact of the documents

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attached. Of the violations that took place in the begining when Constitutional rights are most vital.

January 30, 2018

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Certificate of Service

This is to certify that an exact written copy of the above was mailed to the Defendants through their attorney Dannett Padgett @ 840 Boonville Ave, Springfield, Mo 65801.

January 30, 2018

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